

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RE: MATTHEW G & MICA R ROUNDCOUNT))	
U.S. Bank, N.A.)	
Creditor,)	Case No. 08-32577
)	Judge Kenneth J. Meyers
vs.)	
)	
MATTHEW G & MICA R ROUNDCOUNT,)	
Debtors,)	

MOTION TO MODIFY THE AUTOMATIC STAY

NOW COMES U.S. Bank, N.A., by and through its attorneys, Pierce & Associates, P.C., and requests that the Automatic Stay heretofore entered on the property located at 57 Will Vina Drive, Collinsville, IL, be Modified, stating as follows.

1. On November 17, 2008, the above captioned Chapter 13 was filed.
2. On April 21, 2009, the above captioned Chapter 13 was confirmed.
3. U.S. Bank, N.A. services a mortgage lien on the property located at 57 Will Vina Drive, Collinsville, IL.
4. Debtors' First Amended Plan provides for the property located at 57 Will Vina Drive, Collinsville, IL to be surrendered.
5. U.S. Bank, N.A. continues to be injured each day it remains bound by the Automatic Stay.
6. U.S. Bank, N.A. is not adequately protected.
7. The property located at 57 Will Vina Drive, Collinsville, IL is not necessary for the debtors' reorganization.

8. The debtors have no equity in the property for the benefit of unsecured creditors.

9. No cause exists to delay the enforcement and implementation of relief and Bankruptcy Rule 4001(a)(3) should be waived.

WHEREFORE, YOUR MOVANT respectfully prays that the Automatic Stay on the property located at 57 Will Vina Drive, Collinsville, IL, be modified, and that Bankruptcy Rule 4001(a)(3) be waived as not applicable, and leave be granted to U.S. Bank, N.A. to proceed with foreclosure, and for such other and further relief as this Honorable Court deems just.

U.S. Bank, N.A.

/s/Cheryl A. Considine_____
Cheryl A. Considine
ARDC#6242779
Pierce and Associates, P.C.
1 North Dearborn St., #1300
Chicago, IL 60602
(312)346-9088

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IN RE: MATTHEW G & MICA R ROUNDABOUT,
U.S. Bank, N.A.,
Creditor,
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Debtors

)
)
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) CASE NO. 08-32577
) JUDGE Kenneth J. Meyers
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SUMMARY OF EXHIBITS

The following exhibit(s) pertain to the Relief of Stay filed by U.S. Bank, N.A. on December 18, 2009:

- ## 1. Mortgage Documents.

/s/Cheryl A. Considine
Cheryl A. Considine
ARDC#6242779
Pierce and Associates, P.C.
1 North Dearborn St., #1300
Chicago, IL 60602
(312) 346-9088

CERTIFICATE OF SERVICE

I, the undersigned, Attorney, Certify that I served a copy of all exhibits listed above by electronic filing or deposited in the United States Mail at 1 North Dearborn St., #1300, Chicago, IL 60602, at or before 5:00 p.m., on December 18, 2009, with proper postage prepaid as address to parties on the service list for the Motion.

/s/Cheryl A. Considine
Cheryl A. Considine
ARDC#6242779